

SHB 1646 - S COMM AMD

By Committee on Natural Resources, Ocean & Recreation

ADOPTED 04/11/2007

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature intends that sampling of
4 fish, wildlife, and shellfish by department of fish and wildlife
5 employees will ensure the conservation and management of fish,
6 shellfish, and wildlife. Because the harvest of fish and wildlife is
7 regulated by the department, the legislature finds that sampling by
8 departmental employees will benefit the resource, and will further the
9 department's research related to fish, wildlife, and shellfish. This
10 section and section 2 of this act do not apply to the harvest of
11 private sector cultured aquatic products as defined in RCW 15.85.020.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.12 RCW
13 to read as follows:

14 (1) Department employees, in carrying out their duties under this
15 title on public lands or state waters, may:

16 (a) Collect samples of tissue, fluids, or other bodily parts of
17 fish, wildlife, or shellfish; or

18 (b) Board vessels in state waters engaged in commercial and
19 recreational harvest activities to collect samples of fish, wildlife,
20 or shellfish.

21 (i) Department employees shall ask permission from the owner or his
22 or her agent before boarding vessels in state waters.

23 (ii) If an employee of the department is denied access to any
24 vessel where access was sought for the purposes of (b) of this
25 subsection, the department employee may contact an enforcement officer
26 for assistance in applying for a search warrant authorizing access to
27 the vessel in order to carry out the department employee's duties under
28 this section.

1 (2) Department employees must have official identification,
2 announce their presence and intent, and perform their duties in a safe
3 and professional manner while carrying out the activities in this
4 section.

5 (3) This section does not apply to the harvest of private sector
6 cultured aquatic products as defined in RCW 15.85.020.

7 (4) This section does not apply to fish and wildlife officers and
8 ex officio fish and wildlife officers carrying out their duties under
9 this title.

10 **Sec. 3.** RCW 77.15.360 and 2000 c 107 s 243 are each amended to
11 read as follows:

12 (1) A person is guilty of unlawful interfering in department
13 operations if the person prevents department employees from carrying
14 out duties authorized by this title, including but not limited to
15 interfering:

16 (a) In the operation of department vehicles, vessels, or aircraft;
17 or

18 (b) With the collection of samples of tissue, fluids, or other
19 bodily parts of fish, wildlife, and shellfish under section 2 of this
20 act.

21 (2) Unlawful interfering in department operations is a gross
22 misdemeanor.

23 **Sec. 4.** RCW 77.15.568 and 2003 c 336 s 1 are each amended to read
24 as follows:

25 ~~((Since violation of rules of the department relating to the~~
26 ~~accounting of the commercial harvest of food fish, commercialized game~~
27 ~~fish, and shellfish result in damage to the resources of the state,~~
28 ~~persons selling such fish and shellfish at retail, including but not~~
29 ~~limited to stores, markets, and restaurants, must maintain sufficient~~
30 ~~records for the department to be able to ascertain the origin of the~~
31 ~~fish and shellfish in their possession.~~

32 ~~(1) A retail fish seller is guilty of retail fish seller's failure~~
33 ~~to account for commercial harvest if the retail seller sells fish or~~
34 ~~shellfish at retail, the fish or shellfish were required to be entered~~
35 ~~on a Washington state fish receiving ticket, the seller is not a~~
36 ~~wholesale fish dealer or fisher selling under a direct retail sale~~

1 ~~endorsement, and the seller fails to maintain sufficient records at the~~
2 ~~location where the fish or shellfish are being sold to determine the~~
3 ~~following:~~

4 ~~(a) The name of the wholesale fish dealer or fisher selling under~~
5 ~~a direct retail sale endorsement from whom the fish were purchased;~~

6 ~~(b) The wholesale fish dealer's license number or the number of the~~
7 ~~fisher's sale under a direct retail sale endorsement;~~

8 ~~(c) The fish receiving ticket number documenting original receipt,~~
9 ~~if known;~~

10 ~~(d) The date of purchase; and~~

11 ~~(e) The amount of fish or shellfish originally purchased from the~~
12 ~~wholesale dealer or fisher selling under a direct retail sale~~
13 ~~endorsement.~~

14 ~~(2) A retail fish seller's failure to account for commercial~~
15 ~~harvest is a misdemeanor.))~~

16 (1) A person is guilty of a secondary commercial fish receiver's
17 failure to account for commercial harvest if:

18 (a) The person sells fish or shellfish at retail, stores or holds
19 fish or shellfish for another in exchange for valuable consideration,
20 ships fish or shellfish in exchange for valuable consideration, or
21 brokers fish or shellfish in exchange for valuable consideration;

22 (b) The fish or shellfish were required to be entered on a
23 Washington fish receiving ticket or a Washington aquatic farm
24 production annual report; and

25 (c) The person fails to maintain records of each receipt of fish or
26 shellfish, as required under subsections (3) through (5) of this
27 section, at the location where the fish or shellfish are being sold, at
28 the location where the fish or shellfish are being stored or held, or
29 at the principal place of business of the shipper or broker.

30 (2) This section does not apply to a wholesale fish dealer, a
31 fisher selling under a direct retail sale endorsement, or a registered
32 aquatic farmer.

33 (3) Records of the receipt of fish or shellfish required to be kept
34 under this section must be in the English language and be maintained
35 for three years from the date fish or shellfish are received, shipped,
36 or brokered.

37 (4) Records maintained by persons that retail or broker must
38 include the following:

1 (a) The name, address, and phone number of the wholesale fish
2 dealer, fisher selling under a direct retail sale endorsement, or
3 aquatic farmer or shellstock shipper from whom the fish or shellfish
4 were purchased or received;

5 (b) The Washington fish receiving ticket number documenting
6 original receipt or aquatic farm production quarterly report
7 documenting production, if available;

8 (c) The date of purchase or receipt; and

9 (d) The amount and species of fish or shellfish purchased or
10 received.

11 (5) Records maintained by persons that store, hold, or ship fish or
12 shellfish for others must state the following:

13 (a) The name, address, and phone number of the person and business
14 from whom the fish or shellfish were received;

15 (b) The date of receipt; and

16 (c) The amount and species of fish or shellfish received.

17 (6) A secondary commercial fish receiver's failure to account for
18 commercial harvest is a misdemeanor."

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19 On page 1, line 2 of the title, after "employees;" strike the
20 remainder of the title and insert "amending RCW 77.15.360 and
21 77.15.568; adding a new section to chapter 77.12 RCW; creating a new
22 section; and prescribing penalties."

EFFECT: Clarifies that a department employee will work with an
enforcement officer when applying for a search warrant when denied
access to a vessel for purposes of collecting samples.

Provides recordkeeping requirements for commercial fish receivers.

(Including persons who sell fish at retail, and persons who store, hold, ship, or broker fish or shellfish for valuable consideration.)

Provides penalties for a secondary commercial fish receiver's failure to account for commercial harvest.

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